

STATUTORY INSTRUMENTS

2020 No. 953

CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences (Custody Time Limits)
(Coronavirus) (Amendment) Regulations 2020**

Made - - - - *4th September 2020*
Laid before Parliament *7th September 2020*
Coming into force - - *28th September 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2) and 29(2) of the Prosecution of Offences Act 1985 ^{M1}.

Marginal Citations

M1 1985 c. 23; section 22(2) was amended by section 43(1) of the [Crime and Disorder Act 1998 \(c. 37\)](#). Section 29(2) was amended by Schedule 7, Part 1, paragraph 8(3) of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#).

Citation, commencement, expiry and interpretation **E+W**

1.—(1) These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020 and come into force on 28th September 2020.

(2) Subject to regulation 3(2), these Regulations cease to have effect on 28th June 2021.

(3) In these Regulations, “the 1987 Regulations” means the Prosecution of Offences (Custody Time Limits) Regulations 1987 ^{M2}.

Commencement Information

I1 Reg. 1 in force at 28.9.2020, see reg. 1(1)

Marginal Citations

M2 [S.I. 1987/299](#); regulation 5 was amended by section 71(4)(c) of the [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#); relevant amending instruments are [S.I. 2000/3284](#) and [2012/1344](#).

[^{F1}Exclusion of accused persons under 18 years of age **E+W**

1A. These Regulations do not apply to an accused subject to a custody time limit provided in regulation 5 (custody time limits in the Crown Court) of the 1987 Regulations who is under 18 years of age when in custody for the first time in relation to an offence.]

Textual Amendments

F1 Reg. 1A inserted (19.2.2021) by [The Prosecution of Offences \(Custody Time Limits\) \(Coronavirus\) \(Amendment\) Regulations 2021 \(S.I. 2021/91\)](#), regs. 1(1), **2(2)** (with reg. 3)

Amendment of the 1987 Regulations **E+W**

2. Regulation 5 (custody time limits in the Crown Court) of the 1987 Regulations is amended as follows—

- (a) in paragraph (3), for “112 days” substitute “ 168 days ”;
- (b) in paragraph (6B), for “182 days” substitute “ 238 days ”.

Commencement Information

I2 Reg. 2 in force at 28.9.2020, see reg. 1(1)

Transitional and saving provisions **E+W**

3.—(1) These Regulations do not apply to an accused who is in custody in relation to an offence and subject to a custody time limit provided in regulation 5 of the 1987 Regulations before the coming into force of these Regulations.

(2) [^{F2}Subject to regulation 1A (exclusion of accused persons under 18 years of age),] the amendments made by these Regulations to the 1987 Regulations continue to have effect in relation to an accused who is in custody for the first time in relation to an offence, on or after the coming into force of these Regulations but before the date in regulation 1(2), where the applicable time limit in regulation 5 of the 1987 Regulations expires on or after the date in regulation 1(2).

Textual Amendments

F2 Words in reg. 3(2) inserted (19.2.2021) by [The Prosecution of Offences \(Custody Time Limits\) \(Coronavirus\) \(Amendment\) Regulations 2021 \(S.I. 2021/91\)](#), regs. 1(1), **2(3)** (with reg. 3)

Commencement Information

I3 Reg. 3 in force at 28.9.2020, see reg. 1(1)

Ministry of Justice

Robert Buckland
Lord Chancellor

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prosecution of Offences (Custody Time Limits) Regulations 1987 (S.I. 1987/299) (“the 1987 Regulations”) to provide for an increase in custody time limits in relation to those awaiting trial in the Crown Court. The amendments are in response to the effect of the coronavirus pandemic in relation to jury trials.

Regulation 2 amends the custody time limits provided by regulation 5 of the 1987 Regulations in respect of those awaiting trial in the Crown Court.

Regulation 3(1) disapplies the amendments made by regulation 2 in respect of those in custody and subject to a custody time limit provided in regulation 5 of the 1987 Regulations prior to the commencement of these Regulations. In addition, regulation 3(2) provides for the new time limits in regulation 2 to continue to apply where an accused is in custody for the first time following the commencement of these Regulations but before the expiry of the Regulations, where the applicable time limit expires after these Regulations cease to have effect.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020.